

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MICHAEL HACKLEY, et al.	:	
Plaintiffs,	:	
vs.	:	JFM 02 CV 3363
LVL X, INC., et al.	:	
Defendants.	:	

DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO AMEND THE SCHEDULING ORDER

Defendants LVL X, Inc., John Lee, and Jeffrey Way respectfully oppose plaintiffs' motion to amend the scheduling order in this case, and for grounds state that:

1. Defendants hereby incorporate by reference, as if fully stated herein, the memorandum of points and authorities in support of their motion for Rule 16(f) sanctions and in support of their opposition to plaintiffs' motion to amend the scheduling order in this case.

2. Defendants submit that an extension of discovery is not warranted because plaintiffs improperly invoked the Fifth Amendment at his deposition and refused to testify.

3. Defendants submit that an extension of discovery in this case is not warranted because plaintiffs improperly refused to testify about matters concerning Mr. Ron Reece.

4. Defendants should not be granted an extension to depose CFG after refusing to testify about matters concerning co-defendant CFG and its settlement with Hackley which would constitute a set-off in damages if any are awarded against other co-defendants.

5. Defendants should not be granted an extension to depose Trouton after refusing to testify about matters concerning co-defendant Trouton and his settlement with Hackley which would constitute a set-off in damages if any are awarded against other co-defendants.

6. Plaintiffs have blatantly violated the order they seek to amend by refusing to cooperate in scheduling and holding a settlement conference before the discovery deadline.

7. Plaintiffs failed to disclose to this court that despite all of their bad faith conduct, the reason they seek to amend the scheduling order is to expand the scope of this litigation.

8. Defendants submit that plaintiffs' motion to expand their right to conduct depositions is inequitable after plaintiffs blatantly violated defendants' deposition rights.

WHEREFORE, defendants respectfully request the court to deny plaintiffs' motion.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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Bar No.: 15677

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 07-16-03, I caused a copy of the foregoing paper to be served to: Deborah Westervelt, 10 North Calvert Street, Suite 153, Baltimore, MD 21202 and Terrence McShane, 1211 Connecticut Avenue, N.W., Suite 425, Washington, D.C. 20036.

\_\_\_\_\_/s/\_\_\_\_\_  
Christopher M. Johns